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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,598	04/14/2004	Yasunori Suzuki	8014-1076	6241
466	7590	08/10/2007		
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER TO, BAOQUOC N	
			ART UNIT 2162	PAPER NUMBER
			MAIL DATE 08/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/823,598

Applicant(s)

SUZUKI ET AL.

Examiner

Baoquoc N. To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 04/14/2005 & 07/20/2005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-24 are pending in this application.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 04/14/2004 and 07/20/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Drawings***

3. Drawing filed on 04/14/2004 is accepted by examiner.

#### ***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: in formation recording medium is not defined.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Masui (US. Patent No. 6,002,390).

As to claims 1, 11 and 13, Masui teaches a music data selection apparatus comprising:

at least one of a storage device which has a plurality of pieces of music data stored thereon and a reading device which reads the music data from a storage medium which has a plurality of pieces of music data recorded thereon (audio stored in ROM 2 or RAM 3) (col. 4, lines 66-67);

a setting device which sets a search key as a standard of selection of the music data to be reproduced in the case of selecting the music data to be reproduced from the stored plurality of pieces of music data (audio reproduction circuit 13) (col. 4, lines 64-65);

a detection device which detects at least an appearance frequency of an image word included in the music data by each piece of the stored music data (detect and retrieving keyword) (col. 5, lines 60-65);

an appearance frequency calculation device which calculates an overall appearance frequency of the detected image word in the stored plurality of pieces of music data based on the appearance frequency of the image word included in the detected music data, and corrects the appearance frequency of the image word included in the music data based on the calculated overall appearance frequency of the image word (to calculate the likelihood of appearance of words form a determined character array...), (col. 6, lines 1-6); and

as election device which selects the music data matching with the set search key from the stored music data based on the set search key and the calculated appearance frequency of the image word in the music data (selection of target from the appearance to reproduce the audio) (col. 5, lines 66-67).

As to claim 2, Masui teaches the music data selection apparatus according to claim 1, wherein the appearance frequency calculation device has:

an overall appearance frequency calculation device which calculates an overall appearance frequency of the detected image word in the stored plurality of pieces of music data based on the appearance frequency of the image word included in the detected music data (to calculate the likelihood of appearance of words form a determined character array...) (col. 6, lines 1-6);

an information amount calculation device which calculates an information amount of the detected image word based on the calculated overall appearance frequency (to calculate the likelihood of appearance of words form a determined character array...) (col. 6, lines 1-6); and

a frequency calculation device which calculates and corrects the appearance frequency of the image word against the overall appearance frequency based on the calculated information amount of the image word (to calculate the likelihood of appearance of words form a determined character array...) (col. 6, lines 1-6).

As to claim 3, Masui teaches the music data selection apparatus according to claim 2, wherein the information amount calculation device calculates appearance probability of the image word based on the overall appearance frequency of the

detected image word in the stored plurality of pieces of music data, and calculates the information amount of the detected image word based on the calculated appearance probability of the image word (to calculate the likelihood of appearance of words form a determined character array...) (col. 6, lines 1-6).

As to claim 4, Masui teaches the music data selection apparatus according to claim 3, wherein the information amount calculation device calculates as entropy the information amount of the detected image word calculated based on the appearance probability of the detected image word (to calculate the likelihood of appearance of words form a determined character array...) (col. 6, lines 1-6).

As to claim 5, Masui teaches the music data selection apparatus according to claim 1, wherein the detection device performs a thesaurus analysis based on the image word set in advance, and detects the appearance frequency of the image word in the music data by the thesaurus analysis (col. 10, lines 60-65).

Claims 6, 12 and 14 are rejected the same reason as to claim 1, in additional Masui also teaches a determination information obtaining device which obtains determination information indicating whether or not the stored music data matches with the set search key (the candidate words which frequently appear immediately after the determined character array "ikani honshuhou wo" are displayed...) (col. 9, lines 38-42);

As to claim 7, Masui teaches the music data selection apparatus according to claim 6, wherein the determination information obtaining device obtains determination information on the music data selected by the selection device indicating whether or not the selected music data matches with the set search key; the appearance frequency

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calculation device calculates the correlation value based on the obtained determination information and calculates the appearance frequency of the image word included in the music data in the set search key (to calculate the likelihood of appearance of words form a determined character array...) (col. 6, lines 1-6); and

the selection device selects the music data matching with the set search key from the stored music data based on the set search key and the calculated appearance frequency of the image word in the music data(to calculate the likelihood of appearance of words form a determined character array...) (col. 6, lines 1-6).

As to claim 8, Masui teaches the music data selection apparatus according to claim 6, wherein, in the case where at least a predetermined number of pieces of the stored music data are selected as the music data to be reproduced by the search key, the appearance frequency calculation device has:

an overall appearance frequency calculation device which calculates an overall appearance frequency of the detected image word in the selected plurality of pieces of music data based on the obtained determination information (to calculate the likelihood of appearance of words form a determined character array...) (col. 6, lines 1-6);

a standard deviation calculation device which calculates a standard deviation of the detected image word of the calculated overall appearance frequency (to calculate the likelihood of appearance of words form a determined character array...) (col. 6, lines 1-6);

a correlation value calculation device which calculates a correlation Value between the search key and the detected image word based on at least the calculated overall appearance frequency and the standard deviation (to calculate the likelihood of appearance of words form a determined character array...), (col. 6, lines 1-6); and

a frequency calculation device which calculates the appearance frequency of the detected image word included in the music data in the set search key based on the calculated correlation value (to calculate the likelihood of appearance of words form a determined character array...), (col. 6, lines 1-6).

As to claim 9, Masui teaches the music data selection apparatus according to claim 8, wherein, in the case where the determination information obtaining device obtains information on a music data group matching with the search key and the music data group not matching therewith, the overall appearance frequency calculation device and the standard deviation calculation device calculate the overall appearance frequency and the standard deviation by each of the music data group matching with the set search key and the music data group not matching therewith (to calculate the likelihood of appearance of words form a determined character array...), (col. 6, lines 1-6).

As to claim 10, Masui teaches the music data selection apparatus according to claim 6, wherein the music data selection apparatus comprises a normalization device which normalizes the appearance frequency of the image word included in the music data detected by the detection device, and the correlation value calculation device



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calculates the correlation value between the search key and the image word based on the appearance frequency of the normalized image word (to calculate the likelihood of appearance of words form a determined character array...) (col. 6, lines 1-6).

### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041, or unofficial fax number for the purpose of discussion (571) 273-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

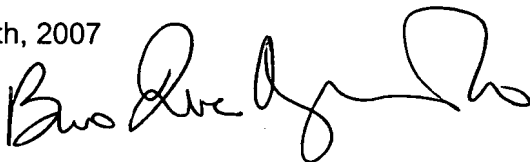
Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) 273-8300 [Official Communication]

BQ To

August 5th, 2007

A handwritten signature in black ink, appearing to read 'Baoquoc N. To', is written over the date.